

C. Remarks

1. Status of the Claims

Claims 1-16 are pending in the application. The examiner has rejected claims 1-16 under 35 U.S.C. § 102(b) as anticipated by McVey et al. (U.S. Patent No. 5,479,477). The examiner has objected to claims 14-16 because they are written to depend from claim 1 but appear to depend from claim 11.

2. Claims 1-5 Are Allowable Over McVey.

Claim 1 recites, among other limitations, the step of "identifying constraints and interdependencies among hardware resources based on both stored system and queried hardware resource characteristics." The examiner has stated that McVey discloses this limitation at col. 4, ll. 6-16; col. 5, ll. 43-46; and col. 6, ll. 1-20. Applicant respectfully submits that McVey does not teach this step.

The passage at col. 4, ll. 6-16 describes a database which stores information (e.g., ring characteristics) concerning telephone resources; the sentence at col. 5, ll. 43-46 describes, generally, assignment of resources to control modules; and the passage at col. 6, ll. 1-20 further describes assignment of resources and transmission of information concerning a single communication resource. Importantly, the foregoing references do not teach using queried hardware resource characteristics to identify hardware characteristics or constraints, and they do not teach identifying interdependencies among hardware resources.

Claim 1 further recites the step of "generating an abstract resource specification . . . to enable maximum preservation of most functional and least available hardware resources during hardware resource allocation." The examiner has stated that McVey discloses this limitation at

col. 4, ll. 62-67; col. 5, ll. 1-18; col. 5, ll. 43-67; and col. 7, ll. 4-56. Applicant respectfully submits that McVey does not teach this step.

The passage at col. 4, ll. 62-67 and col. 5, ll. 1-18 describes a database having a first table for storing information concerning features that a control module can support and a second table for storing information concerning features that each communication resource uses. The second table is divided into a first section associating a resource with a set of features the resource must use and a second section associating the resource with additional features which would be desirable, but not necessary, for the resource to use. The passages at col. 5, ll. 43-67 and col. 7, ll. 4-56 describe assignment of resources to control modules wherein the control module's feature requirements are first determined and resources supporting at least the minimum and, preferably, the extended feature sets, as available, then are assigned to the control module. None of the foregoing references teaches generating a resource specification enabling maximum preservation of most functional and least available hardware resources during hardware resource allocation nor suggests such efficient allocation of resources.

Based on at least the foregoing distinctions, Applicant submits that claim 1 is allowable over the McVey reference and that claims 2-5 which depend therefrom are allowable as well.

3. Claims 6-10 Are Allowable Over McVey.

Claim 6 recites, among other limitations, "a processor for interpreting an abstract resource specification identifying the available system hardware resources and the constraints associated therewith *in a manner that enables maximum preservation of most functional and least available hardware resources during hardware resource allocation*" (emphasis added).

The examiner has stated that McVey discloses this limitation at col. 4, ll. 62-67; col. 5, ll. 1-20;

col. 5, ll. 43-67; and col. 7, ll. 4-56. Applicant respectfully traverses this rejection and submits that McVey does not teach these limitations.

The passage at col. 4, ll. 62-67 and col. 5, ll. 1-20 describes a database having a first table for storing information concerning features that a control module can support and a second table for storing information concerning features that each communication resource uses. The second table is divided into a first section associating a resource with a minimum set of features the resource must use and a second section associating the resource with extended, or additional, features which would be desirable, but not necessary, for the resource to use. The passages at col. 5, ll. 43-67 and col. 7, ll. 4-56 describe assignment of resources to control modules wherein the control module's feature requirements are first determined and resources supporting at least the minimum and, preferably, the extended feature sets, as available, then are assigned to the control module. None of the foregoing references teaches preservation of most functional and least available hardware resources during hardware resource allocation or even suggests efficient allocation of resources.

Based on at least the foregoing distinctions, Applicant submits that claim 6 is allowable over the McVey reference and that claims 7-10 which depend therefrom are allowable as well.

4. Claims 11-16 Are Allowable Over McVey.

Claim 11 recites, among other limitations, the steps of "performing a dynamic hardware resource investigation to identify hardware resource constraints and interdependencies." The examiner has stated that McVey discloses this limitation at col. 3, ll. 1-21. Applicant respectfully traverses this rejection and submits that McVey does not teach this step. The cited passage describes generally a method and apparatus for assigning a control module to one of a plurality of communication resources such that the resource's minimum functional requirements or features

are supported and such that the resource's extended functional requirements or features are supported, if possible. This passage does not teach or even suggest performing a dynamic hardware resource investigation to identify hardware resource constraints and interdependencies.

Claim 11 further recites "interpreting an abstract hardware resource specification for use during hardware resource allocation to facilitate maximum preservation of most functional and least available hardware resources while still enabling application hardware resource needs to be met." The examiner has stated that McVey discloses this limitation at col. 4, ll. 62-67; col. 5, ll. 1-20; col. 5, ll. 43-67; and col. 7, ll. 4-56. Applicant respectfully traverses this rejection and submits that McVey does not teach these steps.

The passage at col. 4, ll. 62-67 and col. 5, ll. 1-20 describes a database having a first table for storing information concerning features that a control module can support and a second table for storing information concerning features that each communication resource uses. The second table is divided into a first section associating a resource with a minimum set of features the resource must use and a second section associating the resource with extended, or additional, features which would be desirable, but not necessary, for the resource to use. The passages at col. 5, ll. 43-67 and col. 7, ll. 4-56 describe assignment of resources to control modules wherein the control module's feature requirements are first determined and resources supporting at least the minimum and, preferably, the extended feature sets, as available, then are assigned to the control module. None of the foregoing references teaches preservation of most functional and least available hardware resources during hardware resource allocation or even suggests efficient allocation of resources.

Based on at least the foregoing distinctions, Applicant submits that claim 11 is allowable over the McVey reference and that claims 12-16 which depend therefrom are allowable as well.

5. Claims 14 and 15 Have Been Corrected.

As the examiner has noted, claims 14-16 should depend from claim 11, not claim 1. Applicant hereby amends claims 14 and 15 to reflect dependency from claim 11. Claim 16, which depends from claim 15, does not require amendment.

6. The Specification Has Been Amended to Correct an Informality.

Applicant has amended the paragraph of the specification beginning at page 5, line 19, to include the serial number of the referenced patent application. No new matter has been added.

7. Summary and Conclusion

Applicant respectfully submits that the application is in condition for allowance and respectfully requests reconsideration towards that end.

Respectfully submitted,



Mark P. Vrla
Registration No. 43,973
Attorney for Applicant

Date: May 12, 2003

JENNER & BLOCK
One IBM Plaza
Chicago, IL 60611
(312) 222-9350

919894